

**CHAIRWOMAN MÁRQUEZ PETERSON & COMMISSIONER ANNA TOVAR'S
JOINT PROPOSED AMENDMENT NO. 1**TIME/DATE PREPARED: March 22, 2021COMPANY: Arizona Corporation Commission (Code of Ethics) AGENDA ITEM NO: 18DOCKET No.: AU-000000E-17-0079 OPEN MEETING DATE: March 23, 2021

Purpose: This amendment creates a new Rule 1.2 to adopt a new Code of Conduct for Elected and Appointed Officials of the Arizona Corporation Commission.

ADD new Rule 1.2:

The Commission shall have a Code of Conduct which is attached and incorporated into this Code of Ethics.

INSERT new "ATTACHMENT A" after Page 14:**ARIZONA CORPORATION COMMISSION CODE OF CONDUCT
FOR ELECTED AND APPOINTED OFFICIALS****PURPOSE**

The Arizona Corporation Commission ("the Commission") Code of Conduct is an advisory document that informs the roles and responsibilities of both elected and appointed Commissioners. It describes the manner in which Commissioners should treat one another, Commission staff, constituents, and others they contact as a Commissioner. This Code of Conduct more clearly defines the behaviors, manners, and courtesies that are suitable for various occasions. At its core, the Code of Conduct shall make public meetings and the process of governance run more efficiently, respectfully, and smoothly.

DUTY OF RESPECT

The constant and consistent theme throughout the Code of Conduct is "respect." Commissioners experience significant workloads and tremendous stress in making decisions that impact thousands of Arizonans. Despite these pressures, Commissioners must exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____

touchstone that can help Commissioners do the right thing in even the most difficult situations. All Commissioners have equal votes. All Commissioners should be treated with equal respect.

All Commissioners should:

- Fully participate in Commission meetings and other public forums while demonstrating kindness, consideration, and courtesy to others;
- Prepare in advance of Commission meetings and familiarize themselves with issues on the agenda;
- Be respectful of other people's time by remaining focused and acting efficiently during public meetings;
- Serve as a model of leadership and civility to the community;
- Inspire public confidence in the Commission;
- Exhibit honesty and integrity in every action and statement; and,
- Participate in scheduled activities to increase the Commission's effectiveness and review Commission procedures, such as this Code of Conduct.

COMMISSIONER CONDUCT WITH ONE ANOTHER

The Commission is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all these individuals have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Commissioners may "agree to disagree" on contentious issues.

In Public Meetings

- Practice civility and decorum in discussions and debate.

Difficult questions, challenges presented to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Commissioners to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting, or any other physical actions that could be construed as threatening, will be tolerated.

- Honor the role of the Chair in maintaining order.

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____

It is the responsibility of the Chair to keep the comments of Commissioners on track during public meetings. Commissioners should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following parliamentary procedure.

- Avoid personal comments that could offend other Commissioners

If a Commissioner is personally offended by the remarks of another Commissioner, the offended Commissioner should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Commissioner to justify or apologize for the language used. The Chair will maintain control of this discussion. To that end, all discussion in public meetings must go through the Chair.

- Demonstrate effective problem-solving approaches.

Commissioners have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

In Private Encounters

- Continue respectful behavior in private.

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- Be respectful time and resources of other Commissioners and Commission Staff.

If a Commissioner wants to schedule a workshop or special open meeting on a topic related to the work of the Commission, the Commissioner should alert other Commissioners, the Executive Director, and Commission Staff of their intent to schedule an event before announcing the event. If other Commissioners express interest in attending, the Commissioner should make an effort to find a time that works with everyone's schedule.

- Be aware of the lack of security of written notes, voicemail messages, social media posts, and electronic correspondence.

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note emailed to others? How would you feel if this voicemail message were played on a speakerphone in a full office? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Other Public Officials

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____

The foregoing guidelines concerning "Conduct with One Another" shall be followed not only by Commissioners but also by other Public Officials.

COMMISSIONER CONDUCT WITH COMMISSION STAFF

The Commission's governance relies on the cooperative efforts of two groups: 1) the appointed and elected officials, who set policies, and 2) the Commission Staff, who implement and administer the Commission's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual.

- Treat all Commission Staff members as professionals.

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Inappropriate behavior towards staff is not acceptable.

- Do not disrupt Commission Staff members from their jobs.

Commissioners should not disrupt Commission Staff members while they are performing their job functions so that the individual Commissioner's needs are met.

- Never publicly criticize an individual employee.

Commissioners should never express concerns about the performance of a Commission employee in public, to the employee directly, or to the employee's manager. Misdirected comments could violate the Commission's personnel rules and limit the Commission's ability to deal fairly and efficiently with personnel matters. Comments about Staff performance should only be made to the Executive Director through private correspondence or conversation.

- Do not get involved in administrative functions.

Commissioners must not attempt to influence Commission Staff on the awarding of contracts or selection of consultants. Do not attend Commission Staff meetings, unless requested by Staff. Even if the Commissioner does not say anything, the Commissioner's presence implies support, shows partiality, intimidates Staff, and hampers Staff's ability to do their job objectively. If a Commissioner wishes to meet with Staff for technical assistance or to discuss issues germane to the Commissioner's work at the Commission, those requests should be made to the Executive Director or Division Director who will designate appropriate Staff to assist the Commissioner.

- Do not solicit political support from Commission Staff.

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed	_____ Not Offered	_____ Withdrawn

Commissioners should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Commission Staff members. To do so could violate the law. Commission Staff members may, as private citizens with constitutional rights, support political candidates any government entity but all such activities must be done away from the workplace.

COMMISSIONER CONDUCT WITH THE PUBLIC

In Public Meetings

Making the public feel welcome is an important part of the democratic process. Commissioners must not exhibit any signs of partiality, prejudice, or disrespect toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- Be welcoming to speakers and treat them with respect.
- Be fair and equitable in allocating public hearing time to individual speakers.

Unless otherwise provided, each speaker shall be allocated three minutes. If many speakers are anticipated, the Chair may shorten the time limit, or may ask a speaker to limit public testimony to new information and points of view not already covered by previous speakers. No speaker will be turned away unless they exhibit inappropriate behavior. After the close of the public hearing, no more public testimony shall be accepted.

- Be actively listening.

It is disconcerting to speakers to have Commissioners not look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger, or boredom.

- Ask for clarification, but avoid debate and argument with members of the public.

A Commissioner can ask to be recognized by the Chair in order to seek clarification or more information from a speaker during a presentation. In addition, a Commissioner can ask the Chair for a point of order if the speaker is off topic or exhibiting behavior or language the Commissioner finds disturbing. If a speaker becomes flustered or is exhibiting defensiveness to a Commissioner’s questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by a Commissioner to members of the public testifying should seek to clarify or expand information. It is never appropriate to

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____

belligerently challenge or belittle the speaker.

- No personal attacks of any kind, under any circumstances.

A Commissioner should be aware that their body language, tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

In Unofficial Settings

- Make no promises on behalf of a Commissioner.

A Commissioner will frequently be asked to explain a Commissioner's action, or to give their opinion about an issue as they meet and talk with constituents in the community. In matters subject to ex parte, it is appropriate to give a brief overview of the Commission's policy on ex parte communications and to refer the individual to Commission Staff for further information. It is inappropriate to overtly or implicitly promise Commissioner's action, or to promise that Commission Staff members will do something specific, or otherwise request that Staff perform any act that is illegal, or that has the appearance of illegality.

- Make no personal comments about other Commissioners.

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Commissioners, their opinions, or their actions.

- Remember that Commissioners are constantly being observed by the community every day that they serve in office.

Commissioner behavior and statements serve a model for proper decorum at the Commission. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Commissioners, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

COMMISSIONER CONDUCT WITH OTHER PUBLIC AGENCIES

- Be clear about representing the Commission or personal interests.

If a Commissioner appears before another governmental agency or organization to give a statement on an issue, the Commissioner must clearly state whether his or her statement reflect personal opinion and the official stance of the Commission. A Commissioner should be clear about any organization they represent.

- Correspondence and press releases should be equally clear about representation.

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed	_____ Not Offered	_____ Withdrawn

- Commission letterhead may be used when the Commissioner is representing the Commission and the Commission's official position.

COMMISSIONERS CONDUCT WITH THE MEDIA

- A Commissioner should never go "off the record."

Commissioners are frequently contacted by the media for background and quotes. Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- A Commissioner should choose words carefully and cautiously.

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

GENERAL PRINCIPLES OF PROPER CONDUCT

The principles of proper conduct include:

- Keeping promises;
- Being dependable;
- Building a solid reputation;
- Participating and being available;
- Demonstrating patience;
- Showing empathy;
- Holding onto ethical principles under stress;
- Listening attentively;
- Studying thoroughly;
- Keeping integrity intact;
- Overcoming discouragement;
- Going above and beyond, time and time again; and,

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____

- Modeling a professional manner.

Proper conduct does NOT include:

- Showing antagonism or hostility;
- Deliberately lying or misleading;
- Speaking recklessly;
- Spreading rumors;
- Stirring up bad feelings, divisiveness; and,
- Acting in a self-righteous manner.

CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____

- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

GLOSSARY OF TERMS

Appropriate behavior	It is the Commission's policy to provide its employees and members of the public with an environment that encourages safe, efficient, and productive work, and which is free of discrimination, including all forms of harassment. The Commission will not tolerate discrimination or verbal or physical conduct by any person which harasses, disrupts, or interferes with another person's work performance or which creates and intimidating, offensive, or hostile environment.
Attitude	The manner in which one shows one's dispositions, opinions and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself
Civility	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior
Courtesy	Politeness connected with kindness
Decorum	Suitable; proper; good taste in behavior
Manners	A way of acting; a style, method, or form; the way in which things are done
Point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
Point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow Commissioner considers offensive
Propriety	Conforming to acceptable standards of behavior
Protocol	The courtesies that are established as proper and correct
Respect	The act of noticing with attention; holding in esteem; courteous regard

**** Please make all conforming changes**

THIS AMENDMENT:		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____